

Docket No. 202594US2RD



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Junichi AKIYAMA et al.

SERIAL NO: 09/772,894

GAU: 2653

RCE FILED: March 17, 2004

EXAMINER: PSITOS, A. M.

FOR: THERMALLY-ASSISTED MAGNETIC RECORDING HEAD, METHOD OF MANUFACTURING THE SAME, AND THERMALLY-ASSISTED MAGNETIC RECORDING APPARATUS

TERMINAL DISCLAIMER

RECEIVED

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SEP 09 2004

Technology Center 2600

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

KABUSHIKI KAISHA TOSHIBA is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 011492, frame(s) 0077.

KABUSHIKI KAISHA TOSHIBA hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,587,494 B2 and 6,687,277 B2, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,587,494 B2 and 6,687,277 B2, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

KABUSHIKI KAISHA TOSHIBA does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,587,494 B2 and 6,687,277 B2 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

09/07/2004 SMINASS1 00000060 09772894

01 FC:1814

110.00 0P

9/3/04

Date Signed

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870